Nearly 400 crowd legislature to express frustration over access to abortions
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FREDERICTON * Piles of coat hangers - a symbol from the days of illegal, back-alley abortions - and the chants and jeers of several hundred people demanding better access to the procedure in New Brunswick greeted politicians as they arrived at the legislature on Thursday.

About 400 people protested at the provincial legislature as a result of the recent announcement that the Morgentaler clinic in Fredericton, the only freestanding abortion facility in New Brunswick, will close its doors in July.

Most of the protesters were young women and they carried signs with slogans such as "No back alleys in the night;" "We have the law, we need access" and "Abortions will happen regardless. Which seems more pro-life?" (with pictures of a coat hanger and medical instruments.)

"There will be a rising tide of exasperation and desperation," said abortion rights advocate Colleen MacQuarrie, a professor at the University of Prince Edward Island.

"Women need to have safe abortion access. When you limit options, it creates the conditions for desperation. It creates the conditions for harm. We have seen evidence of the impact of these policies in emergency room visits. ...?When options are blocked, women sometimes do things they never thought they would do."

The Morgentaler clinic has been performing abortions at the rate of about 600 to 700 a year. Most of the women arriving at the clinic are from New Brunswick, but every year it also handles some women from P.E.I., where there is no facility that performs the procedure.

"It has been a beacon of hope for Island women," MacQuarrie said.

Women going to the private Morgentaler clinic have had to pay for the procedure themselves, at a cost of between $700 and $850, since the facility did not receive medicare coverage.

The clinic says it is closing because it no longer can afford to continue operating. It covered out of its own funds the cost of abortions for women of limited means.

The rally at the legislature was exclusively made up of abortion rights advocates. There were no obvious representatives from the opposing side of the issue, such as the New Brunswick Right to Life organization.

However, in a news release on Thursday, the group, which opposes abortion, said New Brunswick is within its rights not to use public funds for elective or medically unnecessary abortions.
"New Brunswick's position is well supported by the public," states the release from the group.

"A 2011 Environics poll showed 70 per cent of Atlantic residents opposed public funding of abortion on demand. Only 20 per cent were in favour. The rally participants are a vocal minority."

Politicians from most of the province's political parties attended the rally and spoke to the protesters.

Marie-Claude Blais, minister responsible for women's issues in the Tory government, spoke briefly to the crowd, promising that the rally's message would be brought to the government.

She was loudly booed.

Liberal Leader Brian Gallant was given a mixed reception. He was cheered when he started his remarks by saying he is pro-choice, but he was jeered when he said he is pushing for an independent review of the matter of access and the legality of New Brunswick's position.

Rally participants saw the proposed review as a stall tactic.

"My understanding is the premier is pro-life?...?anti-choice," Gallant told the crowd. "It doesn't matter what his personal view is. As premier he has a duty to ensure that New Brunswick is respecting and upholding its constitutional obligations and respecting the rights of women."

The loudest approval was for Green Party Leader David Coon and NDP Leader Dominic Cardy, who both called for the immediate repeal of the provincial regulation that requires the approval of two doctors in New Brunswick who must agree an abortion is medically necessary before it will be paid for by medicare.

Approved abortions have to be performed by a specialist in one of two New Brunswick hospitals that permit the procedure.

Critics see the regulation as paternalistic and a barrier to access.

"That regulation can be removed right away by the premier himself with the stroke of a pen," Coon said.

Cardy stood atop a rickety stepladder to speak to the crowd, which enthusiastically applauded the NDP leader.

"I'd rather be standing on this step stool than sitting on the fence like they are," he said, referring to the Tories and Liberals.

"I got into politics to deal with tough issues, to make hard decisions and part of being a leader is to make sure you can build that consensus within your own party. And for me as a New Democrat, there is nothing more central to my values than equal opportunity and equal rights for men and women, and that includes reproductive rights."

Inside the legislature, Gallant raised the abortion issue during question period, asking the government repeatedly to clarify its intentions about access to abortion.

He said he wrote to Premier David Alward earlier this week, offering the Opposition's co-operation in an independent and timely review of the issue.
"That clinic was a crutch for not providing the proper access New Brunswick is constitutionally obliged to do," Gallant told the House.

"Now that the crutch is gone, people are very concerned. We are not fulfilling, as the province should, its constitutional obligations on women's rights."

Attorney General Ted Flemming told the legislature the government cannot speak to the issue because the matter is before the courts. He was referring to a 12-year-old lawsuit filed by the late Henry Morgentaler, which has been inactive for years and now is being dropped by the Morgentaler estate.

Flemming told the legislature he will not speak on the abortion issue until "I am served with a notice of discontinuance with respect to the action."

Blais said it was "shameful" of Gallant to discuss Alward's personal beliefs when speaking to the rally, where he said the premier was "anti-choice."

Blais would not articulate her personal views on abortion and she would not comment on whether the province's regulation would meet the test of the Supreme Court of Canada, which struck down Canada's abortion laws in 1988.

"In this house we represent women, men and children of differing beliefs," she told the legislature.

"Our obligation is to uphold the law and you (Gallant) are talking as if the clinic was closed - it is not - and as if we didn't have any available medical services for women in the province, and that is not the case."
Imagine facing an unplanned pregnancy and having an important choice to make: to have and keep the baby, have and give up baby for adoption, to end the pregnancy. Imagine thinking your options through and choosing to get an abortion, which is your legal right in Canada.

Imagine, then, going to see your family doctor (if you are lucky enough to have one) and because he or she does not agree with your right to get an abortion on ideological grounds, you cannot have one. How would you feel? Imagine having to go see two separate doctors to get their 'approval.'

This is the reality faced by many New Brunswick women. Under regulation 84-20 of the Medical Services Act, abortion services are only covered under Medicare if: "the abortion is performed by a specialist in the field of obstetrics and gynecology in a hospital facility approved by the jurisdiction in which the hospital facility is located and two medical practitioners certify in writing that the abortion was medically required."

Can someone please explain to me when a safe and legal abortion to end an unwanted pregnancy is not a medical necessity? There is no medical reason for this regulation. It is ideological and it was put in place to restrict access to abortion. New Brunswick is the only Canadian province that has the two-doctor rule. Never mind that Canadian law says that women can decide for themselves whether or not they get an abortion and that abortion services are an insured service available under Medicare.

How can our elected representatives impose their religious/personal beliefs and go against Canadian legislation? Part of the problem is that the federal government is not enforcing its legislation.

What about sex education you say? You are right, sex education is important. Having contraceptives readily available for men and women is also important, including emergency contraception (also known as the morning-after pill). Abortion should be a last resort and not a first resort. I agree. Unfortunately for many New Brunswick women, it is not an option at all.

Historically, women around the world have tried to end their unintended pregnancies whether abortion is legal or not, often jeopardizing their safety and health by self-inducing or seeking a dangerous illegal procedure. While there is very little relationship between abortion legality and abortion incidence, there is a strong relationship between abortion legality and abortion safety.

The opposite is actually true, where abortions are readily available, rates tend to decrease. For example: the abortion rate is 29 per 1,000 women of childbearing age in
Africa and 32 per 1,000 in Latin America, regions in which abortion is illegal under most circumstances in the majority of countries.

The rate is 12 per 1,000 in Western Europe, where abortion is generally permitted on broad grounds.

The closure of the Morgentaler clinic in July (announced last week) will make this essential service for women's reproductive health even harder to obtain. The clinic performed about 60 per cent of abortions obtained in the province. In 2012, according to the annual statistical report released earlier this year by the Canadian Institute for Health Information (CIHI), 616 of the 1,058 abortions performed in the province were performed at the Morgentaler clinic (442 were performed in hospitals).

According to this same CIHI report, women of all age groups seek an abortion to end an unwanted pregnancy. Here is the breakdown in 2012 for abortions performed in hospitals (statistics are not released for the abortions performed at the Morgentaler clinic): 17 per cent of abortions performed were on women 19 year of age and under; 33 per cent were on women aged 20-24; 23 per cent were on women aged 25-29; 15 per cent were on women aged 30-34 and 12 per cent were on women over the age of 35.

It's time to turn the page on the question of making safe and legal abortion services readily available to New Brunswick women. It's the law. Abortions in New Brunswick should be part of our publicly-funded and publicly-delivered health care services available to women throughout the province. Women do not need the government or two doctors to decide for them on matters of their reproductive health.

Our elected representatives can start by repealing the section of Regulation 84-20 that calls for two doctors to 'approve' the medical necessity of an abortion to end an unwanted pregnancy. The government can then evaluate how it can make abortion services more readily available throughout the province. Right now only two New Brunswick hospitals perform abortions, reimbursed by Medicare.

Otherwise, what are our elected representatives saying about women's reproductive health? It sounds like: 'good luck, you're on your own.'

I shudder to think that some women may choose unsafe options to end their pregnancy.

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Jody Dallaire writes about equality issues and social justice. Her column alternates with Beth Lyons on Thursdays.

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What motivated us, a group of social work students, to petition the provincial government to fund abortion services at the Morgentaler Clinic in Fredericton?

Social work is a helping profession that seeks to empower, promote self-autonomy and advocate for social justice. As future social workers, we initiated a form of social activism that focused on raising awareness regarding a social issue that affects women.

As women of reproductive age ourselves, we know women in our province who have faced the hardship of finding the money for the procedure, and we know women who have Googled ways to perform dangerous home abortions.

The petition is not a pro-choice versus anti-choice debate; it is about accessibility for the women of New Brunswick to a medical service to which they are fundamentally entitled.

A team of health-care professionals runs the clinic, and all abortions performed are done by a licensed physician. Evidence-based clinical standards established by the National Abortion Federation (NAF) are strictly followed and the clinic is inspected regularly.

A provincial payment regulation enforced by New Brunswick means that medicare pays only for abortions in New Brunswick hospitals, (currently only two) if approved by two doctors stating the procedure is medically necessary.

But Health Canada has deemed all abortions to be medically necessary, whether done in hospitals or clinics, and women do not have to state a reason for abortion in Canada.

New Brunswick is the only province that still refuses to fund its abortion clinic, in violation of federal law and Supreme Court precedent.

Women of all reproductive ages from various socio-economic backgrounds seek abortions. The Morgentaler Clinic in Fredericton sees between 600 and 700 women annually.

Since the petition for funding began, our group has received countless messages from women thanking us for raising awareness on abortion rights in N.B.

Stories include women who have researched ways to induce an abortion, women who had to beg for money from friends and family members because their social assistance would not allow them the expenses, women who knew that it was not right to bring a child into an abusive environment or one with extreme poverty, girls who were children themselves and felt they were in no place to take care of someone else, and women whose
contraception failed them.

Unfortunately, these anecdotes also involved women who were victims of sexual assault.

Women's lives and health are at stake. University of Prince Edward Island psychology professor and researcher Colleen MacQuarrie states, "The restrictions in place now have done little to restrict abortions ... rather they've increased the risks, increased the unsafe conditions."

Accessibility restrictions are denying the women of New Brunswick their fundamental human rights. This hardship imposed on women by the government of New Brunswick's restrictive attitude towards their reproductive rights affects all of us.

Because of the shame, stigma, and secrecy associated with abortion, this could have affected someone in your own life.

As non-judgemental, impartial professionals, social workers value the lives of every man, woman and child. The women of New Brunswick are legally entitled to government-funded services at the Morgentaler clinic. This issue is not up for debate: abortion is a legal and medically necessary procedure.

Women may be under represented in government, but we will not stand idly by while policy makers ignore women's rights. As our petition reaches 2,500 signatures and continues to garner more, we will not cease to advocate for New Brunswick women to receive what is constitutionally theirs.

Kathleen Curtis, Allison Mee, Vanessa Cormier and Marina Opacic are students in St. Thomas University's social work program.

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Premier David Alward says it is up to Opposition Liberal Leader Brian Gallant, if he is truly serious, to take the next step in examining the sensitive issue of access to abortion in New Brunswick.

Alward was reluctant to discuss the issue on Friday, the day after the Morgentaler abortion clinic in Fredericton announced that it will close its doors in July.

But after being pressed by reporters outside the legislature, the premier indicated that access will remain the same as it is now: women must continue to seek the approval of two physicians who agree that terminating a pregnancy is medically necessary.

Once those conditions are met, there are two hospitals in the province where abortions can be performed.

"What we do have in place in New Brunswick is access - it is access through two hospitals," Alward said. "And there is a case that is before the courts. Yesterday, the leader raised issues in question period and that is not the proper venue and he hasn't come forward with anything further at this point."

Between 600 and 700 women a year have turned to the Fredericton clinic to end unwanted pregnancies. Without the clinic - the only private abortion clinic in the province - it is not clear what women will do if they cannot meet the provincial government's criteria and get into a hospital.

In question period on Thursday, Gallant offered to work with the Tory government to settle, once and for all, the issue of access to abortion in the province.

"We are extending our hands across the aisle and asking the premier to commit to an independent review to settle the question of access once and for all," Gallant said.

"This is something that is not easy to talk about. We recognize that, but, by working together, I think we can do that. The government would have the full co-operation and support of the Opposition."

Alward said he has yet to hear anything further from the Liberal leader on the issue.

Gallant, who has said he is pro-choice on abortion, was not available on Friday, but his office said in a statement he intends to write a letter to the premier on the matter.

Alward also was asked what he thought the prevailing opinion on abortion is among New Brunswickers.

"That is neither here nor there," he said. "It is a legal issue that is before the courts. At this point in time, that is where it's at."
Jula Hughes, a law professor at the University of New Brunswick, said it is "nonsense" for the premier to decline to discuss abortion in New Brunswick because of a lapsed lawsuit filed over a decade ago by Dr. Henry Morgentaler, who died last year.

She said the lawsuit is moot since the main litigant is dead and the clinic is closing.

Hughes said too many politicians use the fact that a matter is before a court as an excuse to say nothing.

"There is no rule of law that says the government cannot comment on things that are before the courts," she said. "When they say they cannot, they mean they choose not to."

Hughes said the lawsuit filed by Morgentaler in 2002 challenged the constitutionality of the regulation denying medicare coverage for abortions performed at the private clinic.

Critics say the New Brunswick regulation violates the Canada Health Act and the Supreme Court of Canada's 1988 ruling on abortion rights.

"Even if the government does not want to comment on whether the Morgentaler clinic should have been publicly funded, it ought to take a position on how it thinks women should be able to exercise their rights to terminate a pregnancy going forward," Hughes said.

However, both Alward and Attorney General Ted Flemming say they will not comment on abortion issues because of the Morgentaler lawsuit.

NDP Leader Dominic Cardy, whose party supports fully funded access to abortion, presented a motion to the Liberals and the Tories on Friday calling for the rescinding of the regulation requiring two-doctor approval.

"This problem can be solved the second this motion pushes cabinet to act now, before the clinic closes, to respect the law," Cardy said. "There is only a lack of political will standing in the way."

He said Gallant's call for an independent review is meaningless.

"Setting up a committee, when you're in opposition - anybody can call for that," Cardy said.

"I am asking Brian Gallant to go into the legislature, stand up and take a position of leadership. It is clear it is not going to come from the Conservatives and that is why I am pushing Mr. Gallant. You can't have it both ways. You can't say you are pro-choice and then not do anything to show you are when you are the leader of a political party. He has to put his money where his mouth is."

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FREDERICTON * New Brunswick's only freestanding abortion clinic has announced it will close its doors at the end of July, prompting calls for a review of limitations on the controversial procedure in the province.

The Morgentaler clinic, a private facility located in downtown Fredericton, said Thursday it is closing after 20 years of providing abortions to women from New Brunswick and Prince Edward Island.

The clinic, founded in 1994 by the late Dr. Henry Morgentaler, performed 600 to 700 of the procedures a year at fees ranging from $700 to $850 depending on the stage of pregnancy.

Many of those abortions were subsidized by the clinic itself, which paid out about $10,000 a year to help women who could not afford the operation.

"The reality is we can't continue to stay open and provide abortions that are not publicly funded," said Simone Leibovitch, manager of the Morgentaler clinic.

"It is impossible. This is a very expensive clinic to operate."

Just a couple of blocks from the clinic in the provincial legislature, Liberal Leader Brian Gallant said it's time to settle the question of access to abortion once and for all.

He said the province's requirement for the approval of two physicians before an abortion can be publicly funded and performed in a hospital is a barrier for many women.

Gallant said there should be an independent, non-partisan review of abortion access.

"I personally am pro-choice," the Liberal leader said.

"I personally think the two-doctor rule is a barrier and many people have told me that. Obviously there are some constitutional questions as well. It is important to look at all aspects and make sure we are aware of the barriers and we can bring them down."

Health Minister Ted Flemming would not say much about the clinic and abortions in New Brunswick, citing a lawsuit filed years ago by Morgentaler, who died last year. The lawsuit is still before the courts, although officials at the clinic said Thursday it is virtually at an end.

Flemming said it might be possible to form a legislature committee to review the province's abortion regulations. He said Gallant could write to him in that regard.

"The ball is in his court," he said. "But even having said that, there are legal issues with the lawsuit where we may not be able
to do anything. That is where we are today."

Other politicians weighed in on the sensitive issue following the clinic's announcement.

Kelly Lamrock, a former Liberal cabinet minister and now a candidate for the NDP in Fredericton, was at the clinic for the announcement and said there has been a "conspiracy of silence" in New Brunswick about abortion.

"For a long time in Canada we have had a consensus that supports a woman's right to choose," Lamrock said.

"Today in order to ensure access in New Brunswick we should immediately repeal the two-doctor rule and get a retired judge to look dispassionately and reasonably at how we can make sure New Brunswick follows the law."

Green Party Leader David Coon, accompanied by the party's advocate for health and status of women, Marilyn Merritt-Gray, said Flemming should create a working group to overhaul the province's outdated regulations governing abortion.

"New Brunswick is a progressive province," said Merritt-Gray, who works as a nurse at the Morgentaler clinic.

"Abortion care, just like reproductive options, needs to be accessible. This is 2014 and we have the resources to do this but we need the political will to put them in place."

People's Alliance Leader Kris Austin said his party does not have a stance on abortion, preferring to leave the hot-button topic to personal choice and opinion.

Leibovitch said the non-profit clinic has been operating on a shoestring for awhile and almost had to close in 2008 after flooding damaged the downtown Fredericton building. She said Morgentaler paid the $100,000 repair bill out of his own pocket and the facility stayed open.

Outside the clinic, a small group of mostly young women carried signs supporting choice on abortion.

"I am devastated," said Debbie Skidmore, holding a sign with the word "Choice" written on it.

"This is obviously a blow against women's rights. Just because a person can get pregnant does not mean they should lose all rights to their body. We don't need to have doctors telling us how to make our decisions. We are not children. If the government cannot follow basic Canadian law then we need a new government."

Without the Morgentaler clinic, women who want to terminate a pregnancy in New Brunswick will have to find two doctors who will give their approval and then go to one of only two hospitals where the procedure is performed.

New Brunswick is the only jurisdiction with the two-doctor rule. No abortions are performed in P.E.I. but Leibovitch said some Island women are able to have the procedure paid for in Nova Scotia through a reciprocal funding agreement.

"The closing of the clinic will have serious repercussions for women in New Brunswick," Leibovitch said.
"The physician referrals which are needed to access a hospital abortion are barriers to health care. We have repeated that over and over. It's a problem for women who don't have doctors or who have anti-choice doctors."

She said she does not know what the hundreds of women who seek abortions at the private clinic every year will do once it is closed.

"It breaks my heart to do this. I'm not sure what women will do after we leave. I can't answer that."

Peter Ryan, executive director of the New Brunswick Right to Life Association, said he is suspicious of the clinic's announcement.

Ryan, whose offices are located next to the Morgentaler clinic, said he believes the clinic is hoping to find private supporters to continue funding the facility.

"Until I see a For Sale sign on that building, I am not going to be too enthusiastic about this news," he said. "I'm skeptical." Ryan said that if the clinic really does close at the end of July, it will be a "great victory."

"If this clinic had never opened, we would have up to 10,000 children alive, in our midst, enriching our lives," Ryan said.

"What a blessing that would have been. Abortion also leaves so many women with a long-lasting emotional, physical or spiritual wound. Women who are unexpectedly pregnant need compassion and support; they do not need abortion. The clinic has not been good for women's health."
The first manager of New Brunswick's only private abortion clinic says Dr. Henry Morgentaler decreed from the start that no woman was to be turned away from the facility because of financial hardship.

Alison Brewer, who managed the Morgentaler Clinic in Fredericton from 1994 to 1999, said Thursday it was sad news to hear that the clinic is closing at the end of July after 20 years of operation.

Brewer said working for Morgentaler, a tireless advocate of free access to abortions, was a privilege. Brewer said she was under strict orders never to say no to a woman seeking an abortion because she could not afford the hefty fees.

"I can say this now and I want to say it loudly - I had a directive from Henry that we were never ever to turn someone down because of financial hardship," said Brewer, who lives in Halifax.

"Anyone who came through the door and who couldn't pay for an abortion, it would be subsidized by the clinic."

Currently, it costs between $700 and $850 to have the procedure performed at the private clinic, which has never received funding from the province.

The high cost of running the Morgentaler Clinic is being cited by current operators as the main reason for closing. The clinic paid about $10,000 a year to cover the fees of women who couldn't afford the procedure to terminate an unwanted pregnancy.

Throughout the clinic's 20 years, until his death last year at the age of 90, Henry Morgentaler fought the province of New Brunswick and successive Liberal and Progressive Conservative governments over access to abortion.

The tone of the confrontation was established in the early 1990s under former premier Frank McKenna, who vowed to give Morgentaler the "fight of his life" over the Fredericton clinic.

In the days leading up to its opening in 1994, Morgentaler and McKenna exchanged terse letters, which the doctor forwarded to the Telegraph-Journal, where they were published under the headline, "Personal and Confrontational."

No sooner had Morgentaler invested $450,000 in the clinic, the fight was on. Through his health minister, Dr. Russell King, McKenna had the College of Physicians and Surgeons restrict Morgentaler's medical licence, preventing him from performing abortions in the province.

Morgentaler responded by making sure other doctors were able to perform the operations.
McKenna vowed the clinic would never receive a penny in taxpayers' funds. His successor, Camille Thériault, followed a similar policy and so have subsequent premiers.

"He better not wait for me or our government to fund his clinics, period," Bernard Lord said angrily just before he took office.

A member of Lord's government, David Alward, has said little about his feelings on abortion recently but did reveal his opposition in an interview in 2009, when he was leader of the Tory opposition.

"I believe life begins at conception," said Alward, who became premier in 2010.

"I was proud to have been part of a government that fought to see the Morgentaler clinic not be funded in New Brunswick. Abortion services are provided already."

On Thursday, after the clinic announced it would close, Health Minister Ted Flemming indicated the status quo would not change in New Brunswick.

"Women will continue to have access to medically necessary abortions in the province with the approval of two physicians," he said.

Brewer said Morgentaler found it increasingly frustrating to deal with New Brunswick governments.

"He tackled this issue across the country at federal and provincial levels with success and then, all of a sudden, he hit this brick wall in New Brunswick," she said.

"It didn't impact him so much as the women of New Brunswick and that was his frustration - that he wasn't able to provide free and accessible abortion services."

Morgentaler himself said he was irritated by legal delays the New Brunswick government initiated in a lawsuit he began in 2002 to try to force the government to cover the cost of abortions at his clinic.

"The New Brunswick government basically is trying to delay this case because they know they're in the wrong, they know they are violating the Canada Health Act and they know they're violating the spirit of the Supreme Court decision, which says that a woman should have a right to have an abortion at her own request and the state should not interfere with it and the state should have to honour that decision by a woman," he said in an interview in 2007.

Flemming said Thursday he could not say much about the clinic and the abortion case because of the lawsuit.

The clinic said the lawsuit is basically at an end now that Morgentaler is dead and the facility is closing.

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Liberal Leader Brian Gallant says the Tory government needs to act quickly to address questions about abortion access in the province.

Gallant said Tuesday that since New Brunswick's only private abortion clinic soon will close and a lawsuit is being discontinued concerning the issue of medicare coverage for the procedure, the time is now for the province to move ahead with a review of its regulations surrounding abortion.

"As a political system, as a government and as a province, we have to look into access to reproductive rights," said Gallant, who has not shied away from the sensitive issue.

"For us (the Liberals), we have made it clear that we have to revise them."

No one from the Tory government was available for comment on Tuesday.

In recent days, Premier David Alward and Attorney General Ted Flemming have refused to comment at length on the issue because of a lawsuit that has been in the courts for 12 years.

Flemming's office said in a statement it has yet to hear officially that the lawsuit filed by the late Dr. Henry Morgentaler against the province in 2002 has been withdrawn.

But Simone Leibovitch, the manager of the Morgentaler clinic in Fredericton, said Tuesday the lawyer handling the case has been instructed to discontinue the court battle.

The lawsuit was launched by Morgentaler in an effort to force the province to cover abortion costs on constitutional grounds. But the suit has been inactive for years and slipped into limbo with Morgentaler's death in 2013.

Leibovitch said Morgentaler had standing in the courts and while he had the financial means to fight the provincial government to repeal the province's abortion rules, the clinic does not.

The clinic has announced it will close in July after 20 years of operation as the only freestanding abortion clinic in New Brunswick.

Under provincial regulations, the province's Medical Services Payment Act does not cover abortion unless two doctors certify in writing that it is medically necessary and that it be performed by a specialist in an approved hospital.

There are two hospitals that perform the procedure, but the province does not identify them.

"My understanding from what I have heard and seen and read is that the two-doctor rule is a barrier," Gallant said.
"There could be other barriers and that is why I have reached out to the government and said that we would co-operate and support them in a revision and a review to ensure we are providing the access we are constitutionally obliged to do. It is important for us to put our personal views aside. What matters right now is to ensure the government of New Brunswick is respecting the constitutional rights of women."

Gallant said an independent review has to be timely since the Morgentaler clinic, the only freestanding abortion clinic in the province, has announced it will close its doors in July.

He said the review should also have legal representation since it would have to examine the province's constitutional obligations.

"This is a question that is imminent and important to many," Gallant said.

The Supreme Court of Canada struck down Canada's abortion law in 1988 and the rest of Canada has moved to provide greater access to the procedure.

The Canada Health Act states that universality, portability and accessibility are hallmark features of medicare.

With files from The Canadian Press

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Premier ducks behind courts on abortion

Byline: Chris Morris

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Hughes said too many politicians use the fact that a matter is before a court as an excuse to say nothing.

"There is no rule of law that says the government cannot comment on things that are before the courts," she said. "When they say they cannot, they mean they choose not to."

Hughes said the lawsuit filed by Morgentaler in 2002 challenged the constitutionality of the regulation denying medicare coverage for abortions performed at the private clinic.

Critics say the New Brunswick regulation violates the Canada Health Act and the Supreme Court of Canada's 1988 ruling on abortion rights.

"Even if the government does not want to comment on whether the Morgentaler clinic should have been publicly funded, it ought to take a position on how it thinks women should be able to exercise their rights to terminate a pregnancy going forward," Hughes said.

However, both Alward and Attorney General Ted Flemming say they will not comment on abortion issues because of the Morgentaler lawsuit.

NDP leader Dominic Cardy, whose party supports fully funded access to abortion, presented a motion to the Liberals and the Tories on Friday calling for the rescinding of the regulation requiring two-doctor approval.

"This problem can be solved the second this motion pushes cabinet to act now, before the clinic closes, to respect the law," Cardy said. "There is only a lack of political will standing in the way."

He said Gallant's call for an independent review is meaningless.

"Setting up a committee, when you're in opposition - anybody can call for that," Cardy said.

"I am asking Brian Gallant to go into the legislature, stand up and take a position of leadership. It is clear it is not going to come from the Conservatives and that is why I am pushing Mr. Gallant. You can't have it both ways. You can't say you are pro-choice and then not do anything to show you are when you are the leader of a political party. He has to put his money where his mouth is."

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